

Response to Pending Rejection

Claims 55, 59, and 62-65 stand rejected in the Official Action under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,575,817 (Martin).

Martin was filed on August 19, 1994. The present application is a divisional of application Serial No. 08/317,763, filed October 4, 1994, which is in turn a continuation-in-part of application Serial No. 08/312,881, filed September 27, 1994. Both of these applications have effective filing dates based on two EPO applications, one filed February 9, 1994 and one filed June 10, 1994. The priority claim to the EPO applications antedates the August 19, 1994 filing date of Martin, thus eliminating the patent as a reference against this application. Eliminating this patent as a reference obviates the claim rejections over Martin. Withdrawal of the rejection of the claims based on this reference is therefore respectfully requested.

Priority of the same EPO applications is made and acknowledged in the parent and grandparent applications, and certified copies of the EPO priority applications were filed in both of those cases. Applicant understands that no certified copy need be filed in the present case because of the previous filings in the parent cases, but Applicant will do so if requested by the Examiner.

Claims 55, 59, and 63 have been amended, and claim 88 has been added, to better define Applicant's invention. Newly added claims 89 and 90, copies of claims 1 and 2 in the cited Martin patent, are also clearly patentable to Applicants for the same reasons stated with regard to the pending rejections (see further discussion below regarding Applicant's request for an interference to be declared between this application and the Martin patent).

In light of the above amendments and remarks, it is respectfully submitted that the claims of the present application are in condition for allowance, which action is earnestly solicited.

** Request for Declaration of Interference*

In view of the fact that the reference relied upon in the pending rejection is an issued patent, which issued within the past six months, and the recognition in the rejection statement that Applicant appears to be claiming the same invention as disclosed in the reference, Applicant respectfully suggests that an interference should be declared between this application and the cited reference. In furtherance of this suggestion, Applicant has added new claims 89 and 90, which are copies of claims 1 and 2 of the cited patent.

Accordingly, Applicant respectfully requests that an interference be declared with at least one count corresponding to each of claims 89 and 90 hereof (claims 1 and 2 of Martin).

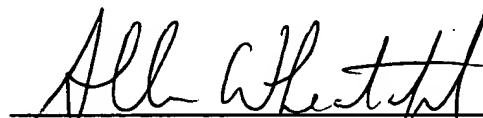
As explained above, the effective filing date of the present application is believed to be February 9, 1994 by virtue of the priority claims in this application. Because this effective filing date antedates Martin's filing date, Applicant should be senior party in any interference that is declared.

As a matter of information, Applicant has also proposed that the Interference between Applicant and the Martin patent encompass claim 66 of Applicant's U.S. application Serial Number 312,881, filed September 27, 1994, and claims 63 and 65 of Applicant's U.S. application Serial Number 463,987, filed June 5, 1995.

Upon declaration of the Interference, Applicant will place each of the interfering claims of its various applications into a single application, request that they be added to the Interference, and cancel them from the respective applications in which they now appear.

The Examiner in charge of this application is invited to call either of Applicant's undersigned attorneys if any further information is needed or if it will expedite the prosecution of the referenced applications in any way.

Respectfully Submitted,



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The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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May 22, 1997

